

**ESHB 1631 - S AMD 465**

By Senators Zarelli, Jacobsen

ADOPTED 04/07/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 84.34.230 and 1995 c 318 s 8 are each amended to read  
4 as follows:

5 Conservation futures are a useful tool for counties to preserve  
6 lands of public interest for future generations. Counties are  
7 encouraged to use some conservation futures as one tool for salmon  
8 preservation purposes.

9 For the purpose of acquiring conservation futures (~~as well as~~)  
10 and other rights and interests in real property pursuant to RCW  
11 84.34.210 and 84.34.220, and for maintaining and operating any property  
12 acquired with these funds, a county may levy an amount not to exceed  
13 six and one-quarter cents per thousand dollars of assessed valuation  
14 against the assessed valuation of all taxable property within the  
15 county. The limitations in RCW 84.52.043 shall not apply to the tax  
16 levy authorized in this section. Any rights or interests in real  
17 property acquired under this section after the effective date of this  
18 section must be located within the assessing county. Further, the  
19 county must determine if the rights or interests in real property  
20 acquired with these funds would reduce the capacity of land suitable  
21 for development necessary to accommodate the allocated housing and  
22 employment growth, as adopted in the countywide planning policies.  
23 When actions are taken that reduce capacity to accommodate planned  
24 growth, the jurisdiction shall adopt reasonable measures to increase  
25 the capacity lost by such actions.

26 **Sec. 2.** RCW 84.34.240 and 1971 ex.s. c 243 s 5 are each amended to  
27 read as follows:

28 Conservation futures are a useful tool for counties to preserve

1 lands of public interest for future generations. Counties are  
2 encouraged to use some conservation futures as one tool for salmon  
3 preservation purposes.

4 (1) Any board of county commissioners may establish by resolution  
5 a special fund which may be termed a conservation futures fund to which  
6 it may credit all taxes levied pursuant to RCW 84.34.230. Amounts  
7 placed in this fund may be used ((solely)) for the purpose of acquiring  
8 rights and interests in real property pursuant to the terms of RCW  
9 84.34.210 and 84.34.220, and for the maintenance and operation of any  
10 property acquired with these funds. The amount of revenue used for  
11 maintenance and operations of parks and recreational land may not  
12 exceed fifteen percent of the total amount collected from the tax  
13 levied under RCW 84.34.230 in the preceding calendar year. Revenues  
14 from this tax may not be used to supplant existing maintenance and  
15 operation funding. Any rights or interests in real property acquired  
16 under this section must be located within the assessing county.  
17 Further, the county must determine if the rights or interests in real  
18 property acquired with these funds would reduce the capacity of land  
19 suitable for development necessary to accommodate the allocated housing  
20 and employment growth, as adopted in the countywide planning policies.  
21 When actions are taken that reduce capacity to accommodate planned  
22 growth, the jurisdiction shall adopt reasonable measures to increase  
23 the capacity lost by such actions.

24 (2) In counties greater than one hundred thousand in population,  
25 the board of county commissioners or county legislative authority shall  
26 develop a process to help ensure distribution of the tax levied under  
27 RCW 84.34.230, over time, throughout the county.

28 (3)(a) Between the effective date of this section and July 1, 2008,  
29 the county legislative authority of a county with a population density  
30 of fewer than four persons per square mile may enact an ordinance  
31 offering a ballot proposal to the people of the county to determine  
32 whether or not the county legislative authority may make a one-time  
33 emergency reallocation of unspent conservation futures funds to pay for  
34 other county government purposes, where such conservation futures funds  
35 were originally levied under RCW 84.34.230 but never spent to acquire  
36 rights and interests in real property.

37 (b) Upon adoption by the county legislative authority of a ballot  
38 proposal ordinance under (a) of this subsection the county auditor

1 shall: (i) Confer with the county legislative authority and review any  
2 proposal to the people as to form and style; (ii) give the ballot  
3 proposal a number, which thereafter shall be the identifying number for  
4 the proposal; (iii) transmit a copy of the proposal to the prosecuting  
5 attorney; and (iv) submit the proposal to the people at the next  
6 general or special election that is not less than ninety days after the  
7 adoption of the ordinance by the county legislative authority.

8 (c) The county prosecuting attorney shall within fifteen working  
9 days of receipt of the proposal compose a concise statement, posed as  
10 a positive question, not to exceed twenty-five words, which shall  
11 express and give a true and impartial statement of the proposal. Such  
12 concise statement shall be the ballot title.

13 (d) If the measure is affirmed by a majority voting on the issue it  
14 shall become effective ten days after the results of the election are  
15 certified.

16 (4) Nothing in this section shall be construed as limiting in any  
17 manner methods and funds otherwise available to a county for financing  
18 the acquisition of such rights and interests in real property."

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19 On page 1, line 2 of the title, after "levy;" strike the remainder  
20 of the title and insert "and amending RCW 84.34.230 and 84.34.240."

**EFFECT:** As compared to the committee striking amendment, this amendment restores the conservation futures levy to the current 6 1/4 cents per thousand of assessed value and removes the proposed increase to ten cents. When a county determines that conservation futures actions will result in a reduction in the capacity to accommodate growth as planned, reasonable measures must be adopted to restore the lost capacity to accommodate growth.

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